

of this article, such justice shall hear the case, and if he be of the opinion that sufficient facts are proved to substantiate the charge, he shall commit or bail the defendant pending the action of the grand jury, as in other cases, or with the consent of the defendant, may in place of such commitment or bail, pass an order and take a recognizance as provided in section 69. If the defendant shall violate the condition of the recognizance, it may be forfeited, and the justice shall note the forfeiture on the recognizance and deliver it to the clerk of the court having original jurisdiction of the misdemeanor described in section 69. The said forfeited recognizance shall then become a record of said court, and shall have the same effect and may be enforced in the same manner as if it had been taken and forfeited by the court. If the magistrate be satisfied by information and due proof under oath at any time during the year that the defendant has violated the terms of the order, he shall forthwith commit or bail the defendant for the action of the grand jury, as in other cases.

#### **Destroying Property Maliciously.**

1888, art. 27, sec. 48. 1860, art. 30, sec. 38. 1744, ch. 5. 1751, ch. 7.

**71.** If any person shall cut or destroy any tobacco plants belonging to any other person, or shall cause the same to be done, or shall by any means cause or excite any person to cut or destroy any tobacco or tobacco plants belonging to any other person, on conviction thereof he shall pay to the party grieved five hundred dollars, and suffer six months' imprisonment, and shall also remain in prison till the said sum be satisfied. And if the offender shall not be able to pay the said sum of money, then he shall remain in prison twelve months.

*Ibid.* sec. 49. 1860, art. 30, sec. 39. 1809, ch. 138, sec. 6.

**72.** Every person convicted of wilfully and maliciously stabbing, killing or destroying any horse, mare, gelding, colt, ass or mule, not the property of such person, and not in the act of trespassing on his enclosures, shall undergo a confinement in the penitentiary for not less than eighteen months nor more than four years.

*Ibid.* sec. 50. 1870, ch. 354.

**73.** Every person convicted of wilfully and maliciously stabbing, killing or destroying any bull, steer, cow, heifer or calf, not the property of such person, and not in the act of